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THE DWIGHT TRIBUTE

1891

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Theodore W. Dwight

Columbia University School of Law

A TRIBUTE TO

THEODORE WOOLSEY DWIGHT, LL.D.

PRESENTED ON HIS RESIGNATION FROM THE WARDENSHIP OF THE COLUMBIA COLLEGE LAW SCHOOL, 1891

EDITED BY

FREDERIC J. SWIFT

The Knickerbocker Press
1891

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FREDERIC J. SWIFT

The Knickerbocker Press
Printed and Bound by
G. P. Putnam's Sons

To Dr. Theodore W. Dwight:

A few plain words expressive of generous regard toward one we hold in the kindliest reverence cannot but carry conviction, to him of whom they are spoken, of their deep sincerity.

And in presenting these tributes from eminent graduates of Columbia Law School, I perform a duty, the pleasure of which can be measured only by the sympathy, tenderness, and love which your students have invariably and will always entertain for you. The cherished memories of the years spent under your guidance are sweet to all.

Others would have tendered their tributes of praise to this testimonial but for the necessities of their business engagements. It is but fair to them to record that without exception they expressed their loyalty and gratitude to their friend and professor, and deeply regretted their inability to acknowledge in this way their appreciation of that patience and gentleness which you have ever accorded to your students. The fruits of that patience and gentleness are distributed over our entire country, and will long remain a testimonial to your rare influence.

It is in this spirit that these tributes are presented to you. And in the name of all those whom you have taught—manliness as well as law—I wish you health and happiness for many years to come. As you have shown kindliness toward others, so may your life be lengthened.

Frederic Joseph Swift.

Columbia Law School,
May 10, 1891.

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Columbia College Law School.

A Sketch of its History.

By Professor George Chase.

The history of Columbia College Law School is, in reality, the history of a method of instruction and of the educational work of a great teacher. For, as "man's life consisteth not in the abundance of the things which he possesseth," so the life of an educational institution does not consist in its buildings or grounds or endowment or income, but rather in the imparting of knowledge, in the training and disciplining of the minds of its students, in developing their full measure of capacity, and inspiring them with true ideals. To the accomplishment of such results in the most effectual and useful way possible, this School was dedicated from its birth. Its aim was to benefit, as best it could, students of law, and not only them, but also the legal profession, of which they were to become a part, and thus to benefit society at large. For who can doubt that the welfare of society is deeply involved in the methods of administering justice and in the training of ministers of justice? And that a well-trained lawyer, thoroughly equipped with the knowledge of his profession, and thus well qualified to give sound and judicious counsel to his clients—imbued, moreover, with high principles of action—is properly to be termed a "minister of justice," is beyond question. The success of the Columbia School, in its purpose to train and develop such lawyers, is well attested in the lives of many of its graduates, who hold to-day positions of the highest honor and influence at the bar or on the bench.

"Mere practising lawyers" are sometimes, nowadays, spoken of with seeming contempt, as if the unceasing absorption of legal knowledge and the development of legal pundits should be the great ideal, rather than to train lawyers who should make their learning of some practical value. But the Columbia School has purposely sought to make its instruction theoretical and at the same time practical. That its students might be competent to give wise counsel, the principles and reasons of the law must be carefully instilled into their minds, and their capacity must be

cultivated to discern and understand sound legal theory and philosophy. Theory and practice have never, therefore, been severed, but the one has been the handmaid of the other.

> "Heaven does with us as we with torches do,
> Not light them for themselves; for if our virtues
> Did not go forth of us, 't were all alike
> As if we had them not. Spirits are not finely touched,
> But to fine issues, nor Nature never lends
> The smallest scruple of her excellence,
> But, like a thrifty goddess, she determines
> Herself the glory of a creditor,
> Both thanks and use."

Heartily glad are all the instructors in this School that the torches here lighted have not been lighted for themselves, but have shone out to guide many a troubled wanderer, and save from many a fall. And as to men here trained, their virtues have "gone forth" of them, and they have returned in abundant tribute "both thanks and use."

Such have been the purposes and ideals of Columbia College Law School from its origin down to the present time. Its external history is briefly told. It was first established in 1858, and Professor Theodore W. Dwight, who prior to that time had been a professor of law in Hamilton College, was placed in sole charge of the department of instruction in municipal law. The School found its first home in the Historical Society building, at the corner of Second Avenue and Eleventh Street. Afterwards, as the number of students increased from year to year, it was removed, first to 37 Lafayette Place, a few years later to 8 Great Jones Street, and finally, after a few years more, to the grounds of Columbia College on East 49th Street, where it has since been located. Until 1873 the entire work of instruction in every topic of private law devolved upon Professor Dwight, as did also the business management of the School to a very large extent, and also the enlargement and supervision of the library, etc. But notwithstanding this great amount of labor undertaken by him, he did not seem overburdened by it, and it was not until 1873 that he was in any measure relieved of these manifold duties. In that year the writer of the present article became Instructor in Municipal Law, and took charge of some of the topics in this department. This office of Instructor was changed in 1875 to that of Assistant Professor of Municipal Law, and since that time there have been several new professorships created and various changes in their incumbents. Thus in 1878 five professorships were established: (1) of the Law of Contracts, Maritime and Admiralty Law; this has been held by Professor

Dwight down to 1891; (2) of Real Estate and Equity Jurisprudence, held by Professor John A. Dillon from 1878 to 1882, and by Professor Benjamin F. Lee, from 1882 to 1890; (3) of Criminal Law, Torts, and Procedure, held by Professor George Chase from 1878 to 1891; (4) of Constitutional History and International Law, held by Professor John W. Burgess till the present time; (5) of Medical Jurisprudence, held by Professor John Ordronaux till the present. Of late years, also, much valuable work, especially in the way of reviews, has been done by Prize Tutors, of whom there are three, each of whom is elected for three years.

The full course of study in the School occupied until very recently a period of two years, but in 1888 it was determined to extend the limit to three years, and the class which graduates this year (1891) has been the first to come under this new regulation. For many years (from 1860 to 1877) the diploma given by the Law School, and conferring the degree of LL. B., entitled its recipient to admission to the bar of New York State, but since 1877 the law has undergone a change in this respect, and an applicant for admission to the bar must undergo an examination before the Supreme Court, which is conducted by a committee of lawyers appointed by the court. During its early career, also, students were admitted to the Law School without any preliminary examination, but for many years past such an examination has been required, and has been useful in excluding a class of students too poorly qualified for legal study. By thus guarding the portals of the School as to those seeking entrance, and by subjecting candidates for a degree upon graduation to a careful and rigid examination, which must be passed to obtain such degree, the constant effort has been to elevate the standard of instruction and to make the degree more valuable.

The success of the Law School, if this be judged merely by the numbers in attendance, has been very noteworthy. The entire number of students who have been connected with it from 1858 to 1891 exceeds 10,000. Among the lawyers of the New York City bar, fully one third have been members of this School. And in the New York Bar Association, which is one of the leading organizations of lawyers in this country, graduates of this School form the majority of its membership, if the older members who were admitted to the bar before the Law School came into existence are excluded from the count. And, moreover, not a few of the graduates have won for themselves high distinction, not simply in the practice of their profession, but also in judicial positions, as ministers to foreign countries, as members of Congress and of State legislatures, etc. For an institution which is yet but little more than thirty years old, this has been well called a remarkable record.

But the chief distinctive feature of this Law School has been its method of teaching. This it is which more than anything else has attracted such a multitude of students from year to year. The principles and reasons upon which the method is based seem too plain and simple to even admit of question. "The reason of the law is the life of the law," says an old maxim. Hence the law must be taught by vividly impressing upon the student's mind the reasons upon which legal rules and doctrines are based. He should be so instructed that he will view the law as a system of principles, not as a mere aggregation of cases. He comes to the study of law wholly unacquainted with technical legal words and phrases, unversed in legal modes of thought or construction, and to awaken his interest, stimulate his powers, and inform his mind, whatever is taught him must be adapted to his comprehension and must be presented in a form attractive to his mind. The fallacy that one who knows a particular subject well can teach it well is far too rife in our colleges and other educational institutions. Oftentimes such a man seems to lose all comprehension of the difficulty which such a subject had for his own mind when he first began its study, and so he never can get into close contact with the minds of his pupils, nor make for them the crooked places straight. A teacher must be able not simply to acquire knowledge but also to impart knowledge. He must realize that for students who come to the study of what is for them a new and untried branch of learning, simplicity and clearness of statement are essential above all things else. He must understand and ever realize what is their power of comprehension and adapt himself to their needs. He must remember that what seems simple to him may be far from simple to them. Nor must he suppose, as do some instructors, that he is lowering his standard of mental elevation, by cultivating simplicity and directness of statement. Professor Huxley has well said that to write the primer of a science one must be master of the science. No teacher of law, for example, can fail to remember the days of labor which it has at times cost him to frame a simple definition or to state a single legal principle clearly and accurately.

Professor Dwight's art of teaching has been the best illustration conceivable of these principles. He must himself see things clearly, and they must all fall into their proper relations before his mental vision, or else his mind can never rest satisfied. Hence questions of difficulty and perplexity are closely scanned by him on all sides, are subjected to the keenest analysis which the powers of his mind can bring to bear upon them, are examined in all their relations with other subjects, till at last he comes out of darkness into light. Then however abstruse may be

the topic, however complex may be its elements, he states it so simply and clearly, that the veriest tyro in the law can comprehend it, if not in full measure, still up to the full limit of his own capacity. So the happiest faculty of clear exposition is brought to bear upon it, and the charm of felicitous illustration is added, that the way to the student's mind may be most easily and effectually won.

What has just been said brings to view other principles, also, of the method of instruction which Professor Dwight has always pursued, and of which he has become so widely famed a master. That the rules and doctrines of the common law must be deduced from the decisions of the courts is matter of rudimentary legal knowledge. But shall, therefore, the student who knows little or nothing of law, and does not understand the rules of legal interpretation and construction, be set at work immediately upon the reported cases and told to deduce the principles of law therefrom by himself? Is this the better way, or is rather the trained jurist, who has had years of study and experience in the law, better qualified than the student to deduce the principles from the cases, to arrange these principles in their orderly philosophical relations, and to present them in proper systematic form? At the Columbia School, during its past history, the latter view has been approved as the wisest and soundest. Therefore the method of study has been to select a treatise upon some particular legal topic, written by some expert in that subject or by some eminent jurist, and to assign a suitable portion of this from day to day for the student to commit to memory. Herein he finds the principles of law deduced for him from the study of the reports and statutes by one who is much better qualified than himself for this task. He finds these principles stated in orderly arrangement and classification, so that he may properly appreciate their due significance. He studies legal rules in their proper order of relative succession, and in their proper relations to a comprehensive system, instead of viewing them separately and independently. So the labor of days or weeks by an author in the study of individual cases is happily presented to the student in brief and compact form, and in a mode of statement much more accurate and reliable than he would probably have attained by himself from his own study of the decisions. Then the student, after this preliminary study of the treatise, comes before the professor for recitation. He is called upon individually to recite, and thus feels a sense of responsibility that he may be able to exhibit his knowledge of the subject and state it accurately. The professor then seeks with all the stores of his experience and learning, and by clear illustration, to resolve whatever difficulties may have been experienced by the student

in his study of the book, or by the class as a whole. In this way the largest measure of assistance which can be given by the able text-writer and by the experienced professor is afforded to the student's need. This method does not, moreover, exclude the reading of cases by the student, but encourages and requires it, to supplement and illustrate the teachings of the treatise. In this way the study of the reports falls into its proper place, and becomes an aid and a help instead of a source of perplexity and bewilderment.

Professor Dwight's career has exhibited the success and fruitfulness of his method most abundantly. His students have been enthusiastic while they have been under his charge, and when they have gone out into the walks of active life, they have retained their admiration for his teaching and their affection for him as a man. The graduates of the school have passed, these many years, at once into the practice of their profession, and brought their legal training at once to the test of practical experience. But they have continued to testify, down to the present, and whether they belong to the earliest classes or to the latest, that their legal training, when brought to the test, has not been found wanting. Any educational institution and any instructor may justly take pride in such results.

But the history of Columbia Law School would be incomplete if the instructors who have been associated with Professor Dwight did not testify to their experience in their joint labors with him. He has been to them the kindest and truest of friends. A true lover himself of mental independence and of freedom of thought and action, it has been his pleasure that they should be of the same mould as himself in this respect. He has aided them by advice and counsel, has delighted to promote their success, and to cultivate to the utmost their powers as instructors, but has always left to them, in their relations with their classes, the fullest liberty. They have always enjoyed, equally with himself, the right of private and independent judgment, and in consultation with them as a faculty, he has ever called for the frankest statement of their opinions, and has given such opinions their just weight in counsel. Hence the members of the faculty have been bound together in the strongest bonds of harmony and friendship. Happier relations of instructors towards each other, and of their students towards them, have never, it may be justly said, been maintained and cherished in any institution.

It can but bring sadness to us all, as teachers and students, that this happy life and these cherished relations are now to come to an end. But Professor Dwight's life has been inseparably bound up with the life

of the institution, and his memory will cling to it imperishably for the great good it has done, and the fruitfulness of the work it has accomplished. He gave it life, cherished its growth, developed its strength and vigor, made it powerful for good and a source of help and enlightenment to thousands. Neither they nor those who come after them will let its memory die, nor his memory as linked with it in fondest association.

Tribute of Judge William J. Wallace.

United States Circuit Court.

It was my good fortune to have the benefit of Professor Dwight's instruction at the Law School of Hamilton College in 1857. The school was in its infancy, but his superlative qualifications as a teacher were already recognized by all the friends of the college, and had begun to attract a wider recognition. The classes were small, eight members comprising the whole corps of students that year. Professor Dwight was in the prime of vigorous manhood. He was endued with an enthusiasm for the law both as a science and a vocation, which was contagious and irresistible, and which, concentrated upon a class so few in number, could not fail to evoke the best energies of every student in the work of preparation for his profession. There were no distractions in the quiet village of Clinton to allure us from our studies. Recitation commenced at 10 o'clock, and for two hours and a half we were examined by Professor Dwight upon the text which had been assigned to us at the close of the preceding recitation, and listened to his exposition of leading cases or recent decisions upon cognate subjects. Our afternoons and evenings were fully occupied in a careful reading of the text for the next recitation, and the hours between an early breakfast and recitation were spent in reviewing what we had read the previous afternoon and evening. At our moot courts, Professor Dwight officiated as the judge, and the students in rotation were counsel. I need not say that the legal conundrums we were called upon to discuss were decided as correctly as they usually are in the courts. Such a student life throughout the curriculum, under such an instructor, ought to have illuminated the dullest intellect with a glimmering of the gladsome light of jurisprudence, and supplied the least proficient with a fair equipment of elementary learning. I know it kindled in the breast of every student a generous ardor for the law as a science rather than a trade, and an affection for Professor Dwight amounting almost to idolatry. It was for all of us a priceless opportunity.

During my professional life I have known many lawyers who were students under Professor Dwight after he entered upon his larger field of usefulness at Columbia Law School, and it has always seemed to me that

I could discover in them the traces of his influence and example. I have never heard one of them speak of him except in terms of loving regard for the man and loyal appreciation of his unrivalled merits as a teacher.

I shall not dwell on his attainments in jurisprudence, or the part he has filled in public affairs during a long and busy life. It is allotted to few to achieve like him distinction as a lawyer, judge, legislator, and publicist. His best fame will rest on his best work,—the great work for which he was pre-ordained by his pre-eminent gifts,—the preliminary education of 6,000 students for a career of usefulness in a noble and ennobling profession.

SYRACUSE, N. Y., April 25, 1891.

Tribute of Hon. Joseph R. Hawley.

United States Senator from Connecticut.

I have known Professor T. W. Dwight since about 1844. While he was at Hamilton College, I was a member of his classes in law, the German language, etc. He was then a comparatively young man. We all regarded him with great respect and I may say fraternal affection. He was an admirable teacher. His evident interest in the matter, his desire to win young men to study, and his charming manner impressed all of us. This regard has followed him during his long life. I congratulate him upon his very useful and honorable career, and wish him health and happiness for many years to come.

WASHINGTON, D. C., April 10, 1891.

Tribute of Judge D. P. Baldwin, LL.D.

Ex-Attorney-General of Indiana.

By an alphabetical accident I head the Alumni Law-School List of Columbia College and received the first diploma that ever came from Dr. Dwight's hands. Probably it would be no unjustifiable untruth to say that I am the oldest living Alumnus of our now celebrated Law School. Naturally a brief sketch of its infantile days and of Dr. Dwight in its weakness will be appropriate to this testimonial number. Dr. Dwight was from 1846 to 1858 Professor of Political Economy and History in Hamilton College, N. Y. When I first made his acquaintance in 1854, he, outside of his college work, was teaching a law class. The outcome of this was the incorporation in 1855 of the Hamilton Law School, which in 1857 and 1858 was, under Dr. Dwight, graduating a dozen men each year with the degree of LL.B.

It goes without saying that in 1858–9 there was no Senior Class at Columbia, but when I entered, in October, 1859, there were 35 Seniors and 25 Juniors. I entered the Senior Class, but attended all the Junior recitations from October, 1859, to May, 1860, and may say with perfect truth that during that entire year there was not a word uttered by Dr. Dwight in the class-room to either class that escaped me. There was no other teacher. The Professor spent six honest, full hours in instruction each day, besides his moot-court work in the evenings. His method was almost wholly that of text-book and recitation. Upon a few subjects, where there were no available text-books, he dictated lectures. We began our two-hour exercise with a rapid review of the previous lesson; then followed one and one half hours' advance upon the thirty pages that was our daily task, and afterwards, if there was a lecture, we copied for fifteen minutes from his dictation. Any one was at perfect liberty to ask any question, which was promptly answered. In 1860 there was no Washburn on Real Estate and no acceptable book upon Torts. The New York Court of Appeals' Reports numbered only sixteen volumes. Story, now almost out of date, was the great standard authority in almost all departments of law. The Junior Class began with the subject of personal rights in Kent's Commentaries, rapidly

reading portions of the first, second, and third volumes. Next they took "Parsons on Contracts," then in two volumes, and recited every word. This was followed by Greenleaf's Cruise ponderous on Real Estate. The Seniors began with Willard's Equity Jurisprudence. After completing it they read Greenleaf on Evidence, vol. I. Following this was Parsons' Mercantile Law. We then took down from Dr. Dwight's dictation a course of lectures upon Torts, Admiralty, and Pleading and Practice under the Code. This completed the two-years' course. In the evening Professor Odronaux gave a course of lectures upon Medical Jurisprudence, and Dr. Francis Lieber upon The State and Political Science. Occasionally, about once a week, some eminent New York lawyer—notably Wm. Curtis Noyes—would give a lecture, at which there would be a gathering of the friends of the school. The Moot Courts were always interesting. Dr. Dwight would act as Chief-Justice and two of the Seniors as Associates. After a case had been argued by four students, it would be adjourned a week for the Associate Justices to prepare their opinions. These were written without consulting with the Chief-Justice, and often Dr. Dwight would find his decisions overruled by those of his Associate Justices.

The chief ambition of the school centred around the prizes. These were $700, distributed in different amounts, the smallest being $100. The prize examination occurred May 10, 1860, and consisted of 75 printed questions and an essay upon the New York Statute of 1860 concerning the rights of married women. Before me lies a printed list of these questions. The successful men were the two Baldwins, William S. Ely, now deceased, and Charlton M. Herrick. Ex-Surrogate Robert C. Hutchings, on account of his popularity, was chosen valedictorian of the class at its commencement in Niblo's Garden, in May, 1860, an account of which I afterwards read in the *New York Tribune*, but was not present at the time.

I think Dr. Dwight was the best teacher, without exception, that I ever knew. His classes were so small that each man was regularly called upon each day and vigorously, yet kindly, cross-examined upon the lesson. Even the indifferent and trifling had to learn something. To the diligent these recitations were perpetual feasts. Before me are the note-books in which I took the Professor's remarks and lectures. They revive in a degree the old, inexpressible charm of this great law teacher.

LOGANSPORT, INDIANA, April 23, 1891.

Tribute of Edmund Wetmore.

I can best describe Dr. Dwight's peculiar excellence as a teacher by a brief account of my own experience as one of his students.

I entered Columbia College Law School in the autumn of 1861. I had spent the preceding year, being the first year of my law studies, in the office of one of the leading lawyers of the city, and had picked up as much as the average young man, just graduated from college, gathers from a year's experience in a law office, and that was almost nothing. I was ambitious and industrious. I read Kent and Blackstone doggedly; copied papers faithfully (it was before the days of typewriters and office stenographers); learned some of the ways of the Sheriff's and Register's offices; made a few timid applications at Chambers, where I was addressed as "Counsellor" by Judge Barnard; collected some miscellaneous legal information, and obtained an uncertain grasp of a few disconnected principles. But at the end of twelve months little had been gained, and all was confusion. I was mentally bewildered, and a good deal discouraged. I floundered amid the vast body of learning that makes up the law; but to appropriate it, make part of it my own, and fashion from it an instrument I could handle as a master, seemed a hopeless task.

In this state of mind I began my attendance at Dr. Dwight's School. He was our sole instructor. He dictated to us from his lectures, we read about thirty pages a day in the text-book, and every day's exercises began with an oral examination of the work of the day before. To me, the effect of this method was like the sunshine dissipating a fog. Out of chaos arose order. Rules, fundamental definitions, classified statements, brought the knowledge that was imparted into form, and fixed it firmly in the mind. I instantly felt that I was making progress. To my fellow-students and myself came that delightful intellectual pleasure and stimulus that springs from the consciousness of knowledge acquired and power developed. All our earnestness and enthusiasm were awakened. We used to meet in the old quarters in Lafayette Place, and as we gathered for the recitation, or came trooping out afterwards, we discussed the subject-matter of our studies with eager interest.

The course was only two years, but, earnestly and enthusiastically pursued, it resulted in laying a broad foundation, upon which the superstructure raised by subsequent studies and the experiences of actual practice could firmly rest.

I have given some time and thought to the subject of different methods of college instruction, and I believe that, as a preparation for the legal profession, Dr. Dwight's system of teaching is that which experience has shown to be the best; and certainly, he himself, as a teacher, has had few rivals in this country. The controlling principle of his system is the inculcation of the elementary rules of law applicable to its leading branches, by presenting them in the clearest and simplest form, under a carefully studied and logical arrangement, and fixing them in the mind by apt illustration and the drill of recitation and review. The consequence is that the student bears away with him that which he never forgets. He has stamped upon his memory an outline within which the results of all future labors naturally and readily fall. He has the basis upon which to rest the science of legal reasoning—the best equipment for the future development of his powers. There is no student of Dr. Dwight who has faithfully followed his profession since he left the School, who will not heartily confirm my words. And still more heartily will all his old students bear witness to his charm and genius as a teacher. Age and experience have not lowered the high estimate of his powers in this respect which was formed when under his instruction, nor time lessened the affectionate and enthusiastic regard in which he is held. The profession at large, and this city in particular, and beyond all, the College with which he has been so long connected, owes him a debt of gratitude. What Dr. Arnold was to Rugby, Dr. Dwight has been to the Columbia College Law School.

He has done much to raise the standard of preparation for the Bar, much for the scientific study of the law. Gratefully each of us, who enjoyed the inestimable privilege of his instruction and friendship, will repeat the words of Rome's great orator to his teacher: *Hunc ego non diligam, non admirer, non omni ratione defendendum putem?*

New York, April 27, 1891.

Tribute of Henry Holt.

To one who had never sat under Professor Dwight's instruction, though hardly to one who had, it might seem strange that a pupil who graduated nearly thirty years ago, and has never practised law, should find reasons for accepting the invitation to testify here to the good that Professor Dwight's instruction has done him. Yet there are such reasons, and the invitation has brought them to mind very promptly. Though I have had little "practical" use for his teachings, I shall always regard being under them as among the greatest advantages of my life.

It was a high and rare education day by day to watch his mind working calmly and smoothly despite the interruption of constant questions, and to each question promptly turning out an answer illuminating one of the most complex of human sciences.

But there was a still more important side to what he did for us. Intellectual training and special knowledge are probably far from the most valuable things that a pupil takes away from a teacher really great. The grasp of men and circumstances which, despite those constant interruptions and digressions, enabled Professor Dwight to get through each day's regular task in its regular time, or at least to make those of a few day's average into their allotted time, was another education. The class was not a small "seminar" seated around a table, but a crowd of three- or fourscore youths with the proverbial modesty of the recent graduate, and the interruptions were not always intelligent, or even polite. But they were always welcomed with an urbanity which was, and to me, for one, has always since been, simply a great moral inspiration. It has never been my privilege, as it has doubtless been that of those of Professor Dwight's pupils who practised his profession, to find some reminiscence of his teachings coming up and helping at some critical moment; but I am sure that it has been the privilege of us all, through the whole arduous discipline of life, in moments where calmness and urbanity were the great and difficult need, to have the reminiscence of his example come up as an incentive and support, an influence toward patience and kindness, and a source of guidance and growth.

NEW YORK, April 27, 1891.

Tribute of Franklin MacVeigh.

It would be almost ungracious to yield to our disappointment at Dr. Dwight's resignation instead of subordinating it to a grateful acknowledgment of our rich possession in the work he has so amply done. One could not wish to linger in an attitude that might obscure even for a moment our appreciation of his distinguished usefulness.

And it is conceivable that we may a little assist his usefulness by recalling some of those characteristics of Dr. Dwight which have made his work so successful. For myself, I like to recall that almost peculiar gift of his, which made upon my mind the first striking and indelible impression when I came within his influence; I mean his rare gift of teaching. His professional learning and intellectual strength were evident to every one, of course, but I had been accustomed to professors who were distinguished scholars and men of strength. It was Dr. Dwight's extraordinary fitness for teaching that was so remarkable as to be absolutely new. It seemed to me to rise to a distinction. It happened in my experience—which was scarcely individual—of the academy, the private tutor, and the usual college course, that I had not once fallen into the hands of a man who had been distinctly born to teach; and Dr. Dwight was, therefore, an almost entire surprise. He was a revelation.

We have made a good beginning of progress in the art of teaching since we first were astonished by the natural gifts and the fine training of this great teacher, and the chance of a new sensation such as fell to Dr. Dwight's students of my day is happily passing away. I am not competent to estimate accurately the influence of Dr. Dwight in this progress, but it must have been very considerable; for he stood at the beginning so almost alone as a great teacher that he produced the effect of discovery. For the first time we knew that teaching might be a great art and a distinguished profession; that it was not a mere pot-boiler for learning, not a mere material resource for learned men, and not a mere fellowship for the support of advanced scholars. And for the first time we saw clearly that learning was but one requisite in teaching, and but one qualification for a professorship; and not the first requisite or qualifica-

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tion, since over and above all was the natural gift and the special training.

One of the striking effects of Dr. Dwight's great gift—and the only one I shall have space to mention—was an unfailing power to make every man in his class a genuine student. Every one yielded to the spell whatever may have been his previous training or habits. If he had idled in college, he at once quit his idle ways; if he came to study law as a pastime, he quickly found himself unexpectedly earnest; if he was aiming at an ornamental profession, he fell immediately into habits of serious work. We could not be discriminated, whatever the variety of purpose with which we entered the school.

It would not be easy to too much admire this interesting power, nor to overestimate the importance of one who could so strongly affect and influence large numbers of the intellectual young men of his time. There have been in the last five years very few American positions of such exceeding influence as Dr. Dwight's chair in the Columbia Law School; and it is right to add that few Americans have withdrawn from positions of great influence accompanied by as much active affection as will eagerly follow Dr. Dwight into his regretted retirement.

CHICAGO, ILL., April 27, 1891.

Tribute of James Richards.

Professor Dwight's title to lasting fame will rest upon his pre-eminence as a teacher of law. He has been a Judge of our highest Court; an advocate engaged in weightiest cases; foremost as a citizen in political reforms and in opposing mischievous legislation; but it is as Professor of Municipal Law in the Columbia Law School for nearly a third of a century that he is best known and distinguished amongst us. For many years he was the Law School.

He built up, upon his own methods, a School of Law not second to any in prosperity and to be a graduate of which was ever after a matter of pride and a help to success.

Professor Dwight's methods in teaching are worth considering; he impressed every student with the feeling that he was his genuine friend, and whenever he meets one of his pupils, old or new, he meets a man who greets him not only with his hand but with his heart. His students, he assumed, were in the school to learn law and not "eating terms," hence, he had no system of grading recitations, and there was no roll-call.

He never mortified a student; if an answer were manifestly wrong, he would say: "Would you not rather say it is so and so."

Sometimes he would put to every student in turn the same supposed case and ask him his opinion upon it, and after each had answered, give the true solution. This afforded an opportunity to the clever ones to make a little proper display. We learned very much, too, by the questions which we asked of him in the class-room and which he, like another Socrates, freely encouraged.

In the moot courts, held each Friday, he presided, and, after the argument, the vote of the class was taken. A week later he rendered his decision.

The secret of Professor Dwight's success lies in the fact that there is no sham about him. He is thoroughly equipped. A biographer of Charles James Fox said of the latter that he was successful as a parliamentary debater because he first so clearly presented the subject to his own mind that he could not fail in the utmost clearness to others. Professor Dwight *knows* and he can *explain* what he knows.

New York, May 7, 1891.

Tribute of George W. Van Siclen.

Secretary Holland Trust Company.

With inborn sweet gentleness almost womanly, with manly firmness, with consideration for the feelings of others and a kindly interest in their affairs, with native dignity of bearing, with gentle humor and quick but harmless wit, a born teacher, touching upon and training the best qualities of mind of all his pupils, teaching them to think for themselves and where to look for and to find the learning with which his own mind overflowed, a man of honor, without a word inculcating honorable conduct and practice, religious without obtruding upon the sect or faith of any, a cultivated Christian gentleman, Theodore W. Dwight takes with him into retirement from active life, and will take with him into the grave, and into that happy land where all who have known him will hope to join him, the love of over four thousand strong studious minds, who in the past thirty years have felt the lasting effects of his genial power as the earth's latent forces feel the beneficent power of the sun to develop them.

New York, April 21, 1891.

Tribute of William C. Witter.

"Many are the thyrsus-bearers but few are the mystics." In the days of the Academic Grove and Porch, when the philosopher and the educator in the highest sense were one, the immortal educator seeing, as it is related in the Phædo, how few were the true philosophers, is made to utter the words above quoted.

During the past half century this country has been favored with two great educators, who were men of the true philosophy, educators in the highest sense: the earlier, Francis Wayland, whose individuality and scholarship lifted a seat of learning at Providence, Rhode Island, into a repute enjoyed even to-day by few of the colleges of the land; the later, Theodore Dwight Woolsey, whose personality and learning broadened and firmly fixed the University at New Haven in the high position it still enjoys; and now in somewhat later years has appeared a third educator, Theodore Woolsey Dwight, whose distinguished personal character and intellectual equipment have raised the level of legal scholarship and of moral purpose in this metropolitan State of New York, while at the same time he has created and maintained by the sheer force of his almost unaided ability and personal influence a great centre of legal instruction. Large as is the public debt to each of these eminent instructors of modern days for their lasting contributions, respectively, to the science of moral philosophy, of international law, and of applied jurisprudence yet, after all, the quality which in each of them takes precedence above every other endowment, and shines with a lustre brighter than that shed by any kind of mere learning, is the inspiring and ennobling personal character which has illuminated their pathway. "Men appear from time to time," says Emerson, "who receive with more purity and fulness these high communications. The highest of these not so much give particular knowledge as they elevate by sentiment and by their habitual grandeur of view." This commendation is pre-eminently applicable to Professor Dwight. Without ever a word or any demeanor of profession, but always as himself an inquirer after truth, he has imparted to that title new meaning, in the deliberate estimation not of boys or youths, but of men already impressed with the significance of living to some

purpose. It is not law that he has taught so much as justice. If the student has not discerned how a rule or axiom has its foundation somewhere in the distinctions of absolute right and wrong, new light is thrown upon the subject, new illustrations drawn from an exhaustless treasury of wisdom, the ideal distinction is sketched, till it has seemed that the speaker was in touch with the very fountains of equity. It is not so much details of legal learning that he has sought to impart as a breadth of view proceeding from a breadth of character built upon the very reason of things and with which few are endowed. When any responding cord has existed in the student it was certain to be touched. His character is an illuminated and illuminating character. The Columbia College Law School has through his influence been not merely a school for legal learning but a school for character.

Accompanying and shining through his more conspicuous qualities has been ever perceptible the good cheer of a calm, self-contained, contemplative soul exhaling unwearying kindliness and patience which are unobscured in the memories of some who have for a score of years carried his wise and luminous portrait in their hearts. As Crito says to the great instructor, "For men will love you in other places to which you may go and not in Athens only."

The youth, the citizen, the state are alike legatees of his best possessions. Whether upon the bench or at the bar, whether seeking by active effort and more passive example to purify the corrupt civic practices of the day, or pursuing his more especial vocation of the educator, his life commands a sincere admiration. He evidently is persuaded that "above and beyond what we may perceive through the senses there exist ideals which alone are true things."

May it not well be said of him, in the words of his immortal prototype, that he was "attuned to the Dorian mood, which is a harmony of words and deeds"?

NEW YORK, April 11, 1891.

Tribute of Morris W. Seymour.

As a teacher, Dr. Theodore Woolsey Dwight is known and loved by thousands of the legal profession in all parts of the country, but as highly and justly as he is esteemed in that character, it is as a jurist that his reputation will live in the years to come. To such as have had the benefit of his instruction, it is a matter of perhaps selfish congratulation, that he has resisted the numerous opportunities that have been offered him of judicial preferment, but when one reads the learned and discriminating opinions written by him, as one of the Commissioners of Appeals, in the 57th, 61st, and 65th volumes of the New York Reports, it seems a misfortune that the science of law should have been deprived of so learned and able an expounder. In the 178 cases reported in these volumes, Dr. Dwight writes concurring and dissenting opinions in 68. Both time and space forbid an extended review of these decisions. It so happens that but few of these involve questions which will mark them as "leading cases"; but they present for consideration an unusual variety of questions, and for their proper disposition require the discussion of a large number of legal principles. Such, for example, as the interpretation and construction of the manufacturing act of 1848, the conveyance made by religious societies, the extending of the law of trade-marks to the protection of business names, the discussion of the limited-liability and removal acts of Congress as affecting the jurisdiction of State courts. Where can one find the qualifications and limitations properly applicable to the distinction between servant and contractor more carefully pointed out, than in the dissenting opinion in McCafferty against Railroad, or the subject of barratry more learnedly discussed than in Atkinson against Insurance Company? The review of the rules applicable to that section of the statute of frauds, which require the sale of goods in certain cases to be evidenced in writing, in Cooke against Millard, is a contribution to the law upon that subject for which all lawyers, no matter where practising, will be grateful. The same is equally true of numerous decisions pertaining to negotiable paper, especially as affected by its theft, forgery, and loss; of equitable conversion, of dower, of partnership, and the covenant of quiet enjoyment. It may be truthfully said of substantially all

these opinions that they are monographs, exhausting the particular subject under discussion. We doubt whether, in any reports, a greater amount of learning is anywhere condensed into an equal number of pages.

It is, however, to the picture drawn in these opinions, and all the more powerfully, because unconsciously and unintentionally drawn, of the just and learned judge, that we call particular attention to them. One sees between the lines of the printed page the working of a trained mind, intent on finding out first how the particular case ought to be decided, that right may prevail; next, how that object is to be obtained without overriding any principle of law, the preservation of which is of vastly more consequence than the particular case in hand; and lastly, the mind, alert to discriminate between sophistry and truth, the husk and the kernel, the things that the law, if it would remain a science, must slough off, and those it must guard as eternal.

BRIDGEPORT, CT., April 22, 1891.

Tribute of Henry R. Beekman.

Few are fortunate enough to witness the full fruition of the labors of a busy life spent in intellectual work. Especially is this true of the educator, whose efforts are addressed to the mental training of those whose success or failure in the activities of life within the measure of a generation can alone be appealed to as evidence of their intellectual equipment.

Among these favored few Professor Dwight enjoys the rare privilege of being ranked. During the period of thirty years which span his service in the School of Law of Columbia College, he has seen young men whom he has trained for a professional career, and inspired with enthusiasm for the science to which he was devoted, practising their profession with success and attaining the highest honors which the Law can bestow upon her faithful votaries. They are to be found conspicuous among the younger leaders of the Bar; on the benches of our highest courts; in legislative assemblies, and other departments of the public service. The habits of investigation, the logical processes of reasoning, and facility in sifting facts and marshalling them in their proper relations, which characterize the successful lawyer, fit him especially for the duties of public life, and it is, therefore, inevitable that, in its pursuit, he should distance all other competitors in a country where rapid rotation in office is the rule and special training for public affairs is utterly discouraged.

The influence, therefore, upon public as well as private affairs, which those exercise whose privilege it is to expound the great science of human affairs, is far-reaching and profound, and the responsibility they assume correlatively great.

It is for the great ability and conscientiousness which he brought to the discharge of this responsibility, and the widespread usefulness and importance of the results of his life-work, that Professor Dwight's name will always arrest attention and command respect.

To us, now reaching the milestone of middle life and looking back to the days spent in his lecture room, the recollections are of the brightest and kindliest. His treatment of the students was dignified and marked by extreme courtesy. The love for his profession was so intense that it was an unconscious emanation which sympathetically affected

those who came within the sphere of his influence. He claimed for it all its ancient prestige as an honorable profession which was degraded by its pursuit exclusively for its emoluments.

The methods of instruction which he adopted seem to me now, even more than at the time I was pursuing them, to have been particularly happy. The daily recitation from the text-book gave occasion for the running comment of the Professor, in which the reason for each legal principle was justified by logical necessity, or by some consideration of public policy, or by appeals to historical evidences of its origin in political conditions or exigencies of a bygone age. The history of the development of a rule of law, its modifications and exceptions, were illustrated by the citation of and comment upon reported cases in which they found embodiment, and this exposition would be fittingly crowned by some pithy phrase, or by one of those wonderful maxims of the law he was so fond of citing, which gave the very essence of the doctrine and fastened it for all time in the minds of his hearers. The attention of the student was thus directed to the constructive processes by which the body of our law has been built up as the occasions of the people demanded. He came to know not only what the law was, but why it was so, and was thus prepared to apply it with intelligence and in harmony with that principle of natural development which is the life of the common law.

Few who have enjoyed the privilege of sitting under the instruction of Professor Dwight have failed to recognize the value to them in their professional careers of the rich stores of learning which he so freely offered for their acceptance. There are none surely who at some time have not felt their difficulties vanish with the recollection of some principle explained and applied in his lecture room.

Professor Dwight is entitled to the proud distinction of having established in this great city the first school in which the the study of the law was pursued on scientific principles. The renown which the Law School of Columbia College has justly won throughout the country is his. The attraction which it exerted in drawing its army of students to its classes sprang from his personal qualities and methods as an instructor, and it is due to him that at this great centre of influence, "reading law" has become the study of a system of jurisprudence.

NEW YORK, April 21, 1891.

Tribute of Gen. Henry Edwin Tremain.

A few words about one of the famous litigations in which Dr. Dwight was a prominent figure.

Selected by the parties as referee in the case of Marie and others against Garrison, he was called upon to weigh a complicated state of circumstances including many other lawsuits connected with the extensive controversy of which the case before him was an essential branch. The plaintiffs claimed an agreement under which they were as stockholders to desist from defending the foreclosure of a dubious mortgage on the Pacific Railroad of Missouri; and the defendant Garrison was to buy in that railroad property, to re-organize its corporation on a stipulated basis, and to apportion to the plaintiffs their stock equivalents in the new organization. The defendant Garrison having consequently foreclosed, did purchase and re-organize, but omitted to recognize the plaintiffs' stock, and denied any obligation to do so.

The foreclosure itself was peculiar in many features. It proceeded upon the non-payment of the first interest due under a fresh mortgage made by the same Board that caused the default; while the default itself occurred at a time when the mortgagor road was earning not only interest but dividends. The mortgage bonds had been absorbed by the same directors who acted as directors of the Atlantic and Pacific Railroad Company;—an insolvent corporation whose directors had acquired the control of the Pacific Railroad of Missouri. A lease was the device resorted to by which the two roads were linked under the same governing individuals who constituted themselves into the two separate Boards of Directors; and with whom the defendant Garrison was operating. Under these auspices, together with the further guise of a worthless dividend guarantee by the insolvent road on a new issue of stock by the Pacific Railroad of Missouri, a large speculation and investment was induced in that stock then selling at an apparently low price.

By the time the public were sufficiently "let in" and the new issue fairly popularized, the mortgage had been created, and bonds under it furtively issued. Default in the first interest speedily followed, with swift foreclosure proceedings effectively pursued. The slightest active opposition or noise would necessarily have thwarted the scheme. Thus it came about that the Garrison agreement to protect the plaintiffs' interest was relied upon on the one hand, and was resisted on the other

hand, in a struggle which, having once gone to the Court of Appeals on demurrer, culminated before Dr. Dwight in final hearings on the merits.

The battles raged with increasing bitterness as they progressed through upwards of one hundred and fifty hearings; and attracted the attention of financial, legal, and journalistic circles throughout the country. Even the camps of the respective contestants were rife with dissensions. Proceedings in diverse jurisdictions and involving numerous parties nominal and actual had to be investigated and balanced; and ultimately the fundamental agreement sued upon was vitally assailed as within the Statute of Frauds.

It was after, if not in consequence of, the exhaustive and unanswerable opinion of Dr. Dwight on this topic—an opinion which practically terminated the defence—that an assault was made which a less learned and courageous referee might have deemed humiliating.

His affability and patience were treated as timidity and doubt, while his liberalities were perverted by those favored through them into legal offences. The attempt on these grounds to remove him as referee, however, ignominiously failed. An alternative Writ of Prohibition against him was then secured; but the motion to make this writ absolute was never decided. The death of the defendant Garrison occurred, and this resulted in a settlement of all the litigations involved.

The opinion of Dr. Dwight is in itself a treatise upon the Statute of Frauds.

The judicial repose, pungent reasoning, and fearless conclusions exhibited by him in his treatment of the issues in this notable cause, and the relentless application through a web of legal intricacies of the fundamental principles of law and equity, help to make up a severe standard of judicial industry and of learning, that may fairly be contrasted rather than compared with many of the lazy compilations currently reported in the books to-day as "opinions."

The methodical attacks which were fruitlessly made on Dr. Dwight in connection with his rulings in this case, have served to intensify his fame as a jurist; and justify this allusion to a brief space in his professional career that was not without its tribulations and triumphs.

Thirty years ago the writer was under the tuition of Dr. (then Professor) Dwight in the third class which had entered the Columbia College Law School;—a school which, it is no discredit to others to say, Professor Dwight had then by his own personality already firmly established. The shock of war had been felt before the second class had been graduated; and Columbia Law School experienced its fair share of consequent personal losses.

Earnest and abiding as were Professor Dwight's political convictions in those perilous years of national excitement, his collegiate discourses traversed the constitutional, historical, and political topics naturally belonging to the equipment of an American lawyer, with the serene composure and scientific poise that characterized all his work in the classroom. In the domain of what is now recognized as Political Science, he associated with himself its leading American writer of that day, Dr. Francis Lieber; and both men taught and inspired the study of the true political philosophy of the United States and their laws, as no two men have since united in doing. It is not too much to say that not since the days of the old "King's College" and its inspirations to and through Alexander Hamilton the student, as well as through Alexander Hamilton the publicist and statesman, has there been a purer well of political thought, flowing abundantly into the great arteries of American public life, and silently accomplishing results which even victorious armies need not to have anticipated.

No man probably since the time of Story has been so potential in guiding the inquiries and in furnishing the historical logic, by which practical publicists have solved American problems. Not that all such problems are already solved; nor that all solutions thus far have been made by Columbia graduates; but that the salutary influences and exceptional intensity cast out through the daily teachings and writings of this remarkable man to his peculiar and extensive constituencies, comprise a feature exceeding the limits of a career exclusively professional;—a career measurable only in common with other events in the history of the generation to which it belongs.

The personality which has created and sustained his large constituency is too valuable to become obscured by resignation from the active duties of daily instruction in the Law School.

A score of years after his greatest victories Von Moltke impressed himself upon a new generation of his own people, and constructed a new army for the empire. England's most renowned living statesman heeds not a ripe old age, but yields his accepted service and sagacious counsel to a grateful public. So then may the few Columbia men who are privileged to express themselves here, earnestly hope that for yet many long years the Empire State and the people of this country may avail themselves of the great learning, experience, wisdom, and example of the affectionate teacher, the sound lawyer, the great man. May Dr. Theodore W. Dwight live many years for this purpose; and meanwhile accept the grateful homage and cordial regard of every student who ever reported to him.

NEW YORK, May 4, 1891.

Tribute of Charles W. Dayton.

DOCTOR: "I feel thy conceit well; howbeit I cannot fully as yet assent unto it; and therefore I pray thee give me a sparing therein; and at a better leisure, I shall with good will shew thee farther of my mind therein.

"And now I will ask thee another question."

"Doctor and Student," Chapter XI.

When the invitation came to write of Professor Dwight, my thoughts reverted to the scenes of nearly twenty-five years ago. I pictured the recitation room in Lafayette Place, the dignified Warden, whose kindly face and gentle voice banished fear and conquered timidity, whose learning, though profound, was clear from the simplicity of its expression, whose service to me, to my classmates, and to the hundreds who have graduated under him, was the foundation of a high standard of legal ethics, and the pursuit of knowledge of the law. These memories kindled a desire to render a tribute, however modest, to one whom every *alumnus* of Columbia College Law School reveres and delights to extol.

To refresh my recollection, I glanced over my notes of lectures, my briefs in moot-court cases, my preparations for recitations, and I brought to mind the method of Professor Dwight in demonstrating the strength and the weakness of the men in my class. Then, as now, it was and is a matter of wonder, how he seemed to know the peculiarities and sensibilities of each student.

Towards one aggressively confident, the professor was firm and tolerant; towards another waveringly certain, he was encouraging and helpful. In discussion the master brought himself to the level of the pupil, ever preserving perfect discipline and commanding respect.

Always accessible, each student felt at liberty to confer and consult with him. His ready sympathy not infrequently gave hope and courage to men struggling against great odds to secure the benefits of the Law School.

I remember his saying to us, that the profession of the law should be followed as a science, not as a trade, and that we should avoid the "arts of chicane"; I also remember going to him shortly after I had been admitted to the Bar, with a question which troubled me, involving the

construction of a will. He gave me of his time freely, entered into my difficulty with friendly zeal, and made suggestions which lightened the burden I was bearing. More than ten years elapsed without our meeting, until one day near the court-house he passed and saluted me by my name.

This is my brief. The points submitted are reminiscent. The argument must be made by those who read.

If ten times the space allotted were allowed me, I could but amplify and cumulatively show, that as a teacher of law Professor Dwight has ever been without a contemporary superior; that as a jurist he ranks with any scholar of his day, that as a man he is endeared to all who have come within his environment.

On his retirement from the chair he has so long, so honorably, so eminently, and so successfully filled, he surely will take with him the esteem of Columbia College, the love and gratitude of those who have sat at his feet, and the prayers of all, that to him may be given length of days, health, contentment, and prosperity, until his distinguished, beneficent, and useful life shall close.

NEW YORK, April 25, 1891.

Tribute of Morris M. Budlong.

The fame and popularity of Columbia College Law School have long been recognized and the credit assigned to its Warden Dr. Theodore W. Dwight.

His success as an instructor of students in law has not only reflected enduring honors upon himself, but has demonstrated that the method which he has employed, if not largely originated, and to which he has strictly adhered for more than a generation, is the very best ever devised for legal instruction.

The failure of a single student of thirty successive annual classes to discover, after engaging in actual practice, any defect or oversight in his legal training, is a sufficient commentary upon the method employed, and every practical mind must regard the disposition to still cast about for a new method of legal education, as belonging to that Athenian quality of mind whose delight is "*to tell or to hear some new thing.*"

No plan of legal study could be more natural, or more strongly commend itself, than that of private study of a given number of pages of an approved text-book, followed by a daily critical examination thereon by the instructor before the whole class, with amplifications by the instructor of the more obscure parts, and the supplementing by him of any omissions from or brief allusions in the text.

The hour spent by Dr. Dwight in the class-room will be recalled by all of his former pupils as a time when many wrong inferences from private reading were corrected, and errors in reasoning set right; principles which at home seemed arbitrary and artificial became under the Doctor's statement of their history, reasonable, necessary, and just; ancient statutes, whose quaintness seemed to stamp them as entirely obsolete and of value only as antique legal curiosities, were shown to embody both wisdom and justice, and to constitute the very foundation upon which modern jurisprudence rests; and phrases and maxims from the civil law which seemed out of place in the text were found to be epitomes of the law; and have ever since served as guide-boards through the particular field where they were met.

To sum up the recollections of those days when Dr. Dwight personally gave instruction in almost every branch, the aim was to first implant and firmly fix the root principle in the mind; then the minor ones and exceptions were grouped about it, while the details were massed about them in natural order, and the whole subject, thus left as a unit in the mind, was easily retained and readily recalled. Thus the student, led along at first ignorant as to whither he was tending, found himself at the end of the first term advancing along a sure path, which brought him daily assurance as he entered deeper into the labyrinth of his studies that there were no back steps to take.

The superiority of Columbia's method, as established by Dr. Dwight, over the one by lectures chiefly, is apparent.

By the latter the student is introduced, by spoken language which rests but for a moment on the ear, to a new species of thought, in language full of new terms, and his grasp of them is necessarily slight; before he can properly think over and lay away in his mind what he has heard, the demands of another day are upon him, when new truths but half comprehended are added to those but partially understood, and thus he proceeds, gathering only a general idea, and there is left on his mind in the end only a panoramic impression of what he has heard. He cannot feel sure of his position, and a sense of growing strength and self-confidence, so indispensable to the future lawyer, and which can spring alone from well grounded knowledge, fails to take root in his mind.

Equally unfortunate is that other method, which may be styled a study by philosophical comparison of adjudicated cases, which calls upon the student to discharge a critic's duties while he is yet a tyro, and requires original discrimination and judgment before he has mastered the alphabet of his profession. A system better calculated to increase the student's perplexity and to discourage his hopes could not be invented.

It must, however, be admitted that the best method in the hands of an indifferent instructor must result, at the most, in only a partial success. No art or study is difficult of mastery, if rightly approached. The difficulty arises from the master's failure himself to clearly perceive the situation, and to start the mind properly upon its course and direct it wisely as it advances. The mysteries of legal studies, like a woven fabric, readily unravel, if the right thread is found and faithfully held.

Dr. Dwight's distinguishing characteristic, as a teacher, is of this order.

His acquisitions amount to far more than perfect familiarity with the principles of the Law. He has mentally digested them, and absorbed and

assimilated them into his mental and moral nature, so that he gives them out with the diction and life of original conceptions, chaining the attention of the student, and engraving them upon his mind.

> "What you perceive aright you express clearly,
> And the words to say it in come easily."

The Warden of Columbia College Law School is a fine illustration of this truth.

The high regard and personal affection with which Dr. Dwight is held by every student who has been graduated under him, without a single exception, is something extraordinary. The explanation lies in deeper grounds than the enthusiasm of college boys for a favorite tutor.

The favorable judgment and affection of men who realize that they are on the eve of the battle of life, and who have come to sufficiently serious views to choose their profession, could only be won by a man of solid moral worth, sound mental attainments, and true intellectual power. Besides, under Dr. Dwight the student is brought to feel the nobility of the profession he has chosen. He sees that the names of those in the past who have reached the most enviable places in it are alike distinguished for the high moral purpose and conduct which actuated them. He feels ennobled by the goodly company he is in, thinks the better of himself for the choice he has made, and naturally turns in gratitude and affection to the man who has inducted him into so pleasing a prospect and fitted him to meet so agreeable a life-work.

Now that Dr. Dwight is to retire from the arduous duties so long and so well discharged by him, he will carry to the quietness and rest which he has so justly earned, the best wishes of all his former pupils, who will always readily acknowledge the debt of gratitude they owe him.

NEW YORK, April 25, 1891.

Tribute of James L. Bishop.

The term of Professor Dwight's professorship at Columbia is coincident with a very considerable change in professional methods and attainments with which he is in no small degree identified. The first half of the present century was a formative period in American Jurisprudence in its fundamental theories and principles. It was the time of Marshall, Story, and Kent. When the survivor of these great men died, a widespread movement for reform in judicial procedure had begun to make itself felt. The germinal force of that movement was the effort to adapt the flexible principles of the existing body of the law to the changed conditions of modern life, and to bring those principles into closer and readier application to the requirements of a new world of business.

When Professor Dwight assumed the chair which scarcely more than a decade before had been occupied by Chancellor Kent, it was his task, not only to illustrate how the already settled principles of law were to be applied under new modes of procedure, but also to instruct his pupils in their skilful and useful application to the requirements of a new era of business. For this task he was singularly well qualified. A keen, logical, and analytical faculty trained by the most exacting study, enabled him to state propositions of law with nice precision, and to set them in their proper historical and philosophical relations. A never-failing memory drew apt illustrations with which to enforce them, with equal facility from ancient and modern sources. Above all, a strong common-sense and familiarity with affairs enabled him to give to the discussions of the class-room a life-likeness and reality which brought the matter almost into the range of actual experience. His point of view was always practice, and never mere knowledge. He dealt with real subjects in a real way, and with a real interest. He was therefore pre-eminently the man adapted to help those who meant to be themselves helpful in their professional life in the world as they were to find it. The fervid oratory of the advocate, so needful in times when personal rights and liberties were in peril, had for a time at least given place to professional accomplishments of a less conspicuous but not of a less valuable character.

The faculty of marshalling the details of complicated business transactions, of drawing accurate legal deduction on subjects of novel interest and of large importance, the wisdom to so advise as to render litigation unnecessary rather than successful, the capacity to direct in the management of corporate and trust relations,—these and such duties had become more and more the work of the modern lawyer. In these, and all other avenues of professional service, Professor Dwight's instructions were not only of priceless value to the student, but of commanding consequence to the community. The State is deeply indebted to him for his services as a member of the Constitutional Convention of 1867, and for the learning and ability with which he filled the high office of Judge of the Commission of Appeals. His warm-hearted sympathy and humanity displayed itself at all times both in public and private life, and all of those who came into closer relations with him as students, follow him into his retirement with feelings not only of admiration, but also of veneration and affection.

NEW YORK, April 25, 1891.

Tribute of R. Wayne Parker.

It is a pleasant duty to speak for the Class of 1869, and express their feelings of regard and admiration for their former master in the law. To join in this testimonial is easy. It needs no effort to awake the loving memories which subsist between him and every one who was ever with him,—to recall what we owe him, and to wish him long life and every happiness. But on an occasion like this it is due to him and to the class, that we should for the time put by our feelings of friendship, and try to set down dispassionately and for others those peculiarities of his teaching that have distinguished him from other men.

And first and foremost of these characteristics is his devotion to the work. He was never a mere president or professor. He did not offer to the law student a variety of courses of lectures and recitations under different or indifferent tutors. Like Arnold, at Rugby, and Taylor, at Andover, he was the master of the school, the doctor or teacher of the law; only satisfied with himself when he was constantly with his students; devoting his days to them, and his nights to study; disregarding ease and comfort, if only he could meet each man daily face to face and mind to mind.

But he differed from the masters I have named. His character as a teacher can perhaps be best expressed by saying that he is the Socratic teacher of the day. His teaching was by questioning. If the answer were wrong, it was not corrected by his mere authority, but by new questions which drew the correction from the man himself. It is the glory of the law that it can be made the subject of such teaching; that all its branches are an outgrowth of living principles, rooted in common sense and common right; and that the real lawyer is not he who can find a case in point, but he whose arguments are the clear and necessary statement of legal principle. The true teacher is not he who can tell what is said in the books, but he who can draw out his students, and teach them to think as lawyers.

This is no easy task. There was but one who followed this method in Greece, and in our day I know of no rival to our old instructor. This method of instruction requires peculiar qualities of mind and heart—the

power, the skill, and the patience to follow successively the workings of different minds, and to put aside his own clear knowledge in order to follow the very stupidities and errors of his pupils. The teacher must learn to think with them, to be slow as they are slow, even to fall with them in order to teach them how to rise again, and to be blind with them in order to teach them how to see. No other man that I have known has had such patience and long-suffering and love for his pupils as that which enabled him thus to efface himself in the work of teaching.

Obviously such instruction needs no penalties. Merely to listen is education, not merely in the law, but in the lawyer's art of making the law plain to simple minds,—an art that is more necessary than great learning.

And as the Greek teacher bound his disciples to him by bonds of affection unknown in the other schools, so we may try the reality and success of such teaching now by the lasting personal regard which we feel, without exception, toward our former master in the law.

NEWARK, NEW JERSEY, April 25, 1891.

Tribute of William D. Foulke.

President of Swarthmore College.

The thing which impressed me most when, after graduating in the Academical Department of Columbia College I became a student in the Law School, was the complete inversion of the motives and ideas which prevailed in our undergraduate life. While we were in the Academical Department it seemed to be the chief object of every student to accomplish the utmost results in the matter of marks and class standing with the least possible outlay of time and labor, and without much regard to the advantage to be derived from our studies. If we absorbed any considerable amount of knowledge it was oftener against our inclination than in consequence of it. In respect to college discipline it was much the same way. So long as we were not caught, any infringement of the voluminous statutes imposed upon us was rather a merit than a fault. An undiscovered prank was a title of honor among our fellows. There were professors whom we respected and under whose skilful guidance we did good work, but there was still, in spite of our personal friendship, a sort of undeveloped hostility resulting from this relation. If we could get the better of the professor in any way we felt a sort of obligation to do so. When we entered the Law School these notions were utterly changed. There was no temptation to break any of the rules because we never saw or heard of any rules to be broken. There was no disposition to acquire a nominal class standing at the expense perhaps of actual proficiency, because there was no such standing to be acquired. There was no temptation to cut morning prayers, because there were no morning prayers which it was our duty to attend. We could come or remain away much as we liked; the consequences were upon ourselves. The result was that our work was mostly spontaneous. It was the product of our individual interests and desires, instead of being "prescribed by any supreme power" in our little state. It was an illustration of the great fact, so dear to every American, that individual liberty is a more effective mainspring of action than any kind of paternalism.

This came about no doubt in part from our increasing years. We were putting away the things of childhood. But it came about in a much

greater degree from the initiative which was set by the conduct of him whom I have always regarded as pre-eminent among instructors, Dr. Theodore W. Dwight. There was not a man of us whom he did not capture completely. There was certainly no one in our class upon whom Dr. Dwight could not count, as a respectful student and as an enthusiastic and devoted friend. I have never seen his equal in the power, not only of eliciting the best work from the intellectual material before him, but in developing that highest of all moral qualities for the accomplishment of great results—enthusiasm. His explanations of the law were so simple that a child could understand them. The principles underlying this great science were so plainly fixed in our memories that they remain there immutably through life.

He showed us the thread of logic and sound doctrine by which to explore safely

> " The lawless science of our law,
> That codeless myriad of a precedent,"

amid the labyrinths of which a man without a guide is so easily bewildered and lost. But most of all we remember at this time, not the clear and commanding intellect which patiently unravelled for us these complicated truths, but the benevolent face, the kind voice and sympathetic heart of a professor who rejoiced in all our small successes, and to whom we could at all times turn for friendly counsel.

RICHMOND, IND., April 10, 1891.

Tribute of Hon. Oscar S. Straus.

Ex-Minister to Turkey.

When the newspapers several months ago, brought the report that Professor Dwight had sent in his resignation as warden and professor of the Law School of Columbia College, because of certain differences between him and the trustees of the College in respect to the future scope and management of the school, this information was received with surprise by the public, and by the graduates of the school throughout the country with a feeling of deep concern and sincere regret, mingled with the hope that such report might not be true.

The cause of this regret was not abstract, but personal, for every student of the Law School carried away with him an earnest and most profound attachment and esteem for Dr. Dwight. They had sat "not at his feet" after the manner of the ancients, but they sat literally on the same level with him, for this was his peculiar tact, that he lifted all his students up to his high plane. Every member of the Law School had in Professor Dwight not alone a most inimitable instructor but a friend and adviser. The pleasant relations between student and professor began at the beginning of every academic year, for Professor Dwight had the remarkable personality faculty of immediately learning his name, and ever afterwards remembering it correctly. I will not attempt to describe the many extraordinary qualities that Professor Dwight combines, and which have made him the great professor that he is. In brief, I would say that he fulfilled to the fullest extent the requisites as laid down by Dr. Watts: "Instructors should not only be skilful in those sciences which they teach, but have skill in the method of teaching and patience in the practice."

It will not be denied that the law is as intricate, complex and difficult as any of the sciences. It abounds in fine distinctions and differentiations, and requires a logic circumscribed often by apparently contradictory precedents to discover the underlying principles around which these precedents are grouped, and by which they are often overlapped as the hanging branches overshadow the small clear stream that meanders underneath.

With wonderful clearness and facility the Professor would explain to

COLUMBIA COLLEGE LAW SCHOOL

the unskilled minds of the students the principles that govern a specified line of decision, and teach them to sift the facts by the light of the law, and to thread their way from decision to precedent and from precedent to principles.

Professor Dwight has contributed more largely towards lifting the study of the law from chaos to a systematic method than any other instructor of our time. By reason of his great learning in the law, and his ability and skill as an instructor, Columbia Law School has justly won for itself the first rank among the schools of that class in the country. There are several thousand lawyers dispersed all over the country who feel a deep sense of affection and gratitude to Professor Dwight for the help he has given them in equipping them for the arduous duties of their profession, men who are an honor to their profession and reflect credit upon the name of Columbia. This fact is doubtless well known to the Trustees of the College, who, I trust, have no lack of appreciation for the service that Professor Dwight has rendered to the institution, by whose efforts mainly the school has been built up from a small insignificant class, to one of the largest and best known of the adjunct schools, so that with the prestige it has acquired and its large number of students it will be comparatively easy to extend its scope and enlarge its curriculum.

The graduates of the school are doubtless pleased that an advancing and progressive step is contemplated. This is a move in the right direction and in keeping with the progress and general improvement that has been so vigorously inaugurated under the new *régime* of the College. A thorough course of instruction in law, municipal and international, its philosophy and history, as distinguished from a preparation for the practice of the law, is of the highest use as branches of general education in a country such as ours, where there is need for many men systematically trained for statecraft and legislative duties. I am confident that the graduates of the Law School would have felt better contented if this enlargement of the scope of the school could have been carried forward under the wardenship of Professor Dwight, whose eminent qualifications as an instructor would serve as an inestimable object lesson to such associate professors and instructors as may be called to the school to undertake the work which has been by him so well begun and for so many years continued with such distinguished and extraordinary success.

Professor Dwight can be assured that he carries with him to his retirement from his arduous duties and long years of distinguished services the universal esteem and highest regard of his many students throughout the land, who will ever recognize a deep debt of gratitude to their great and wise professor.

NEW YORK, April 30, 1891.

Tribute of Judge William H. DeWitt.

Supreme Court of Montana.

It is a pleasure to have the opportunity to add my tribute to the thousands which are rendered to Dr. Dwight upon his retirement from his active duties at Columbia College Law School.

It has not been my privilege to even meet Dr. Dwight since, shortly after being graduated, I had his kindly God-speed in starting for a country then as distant from New York as is now the Congo Free State, a country which, even the other day, was criticised in Boston as a remote mining camp unfit to be a State.

But, in a somewhat varied experience of a dozen years, in seeing a noble commonwealth grow from a small group of mining communities, and during a slight participation in the making of a State, no influence has been more potent or present in my life than that of the two years' instruction of Dr. Dwight.

My memory runs toward him in three channels. The first is that through which go the thoughts of all his students, his magnificent system of instruction. It meets a response with his pupils to say that in his instruction he laid a foundation of principles upon which he afterwards developed to the student the superstructure of cases which has been built upon them. The terse and expressive condensations, which we call maxims, and the underlying principles of the law, he planted in the student's mind and tilled with daily applications to varying facts, until they took a root as lasting as life itself.

The writer of this letter happens to have had his lot cast where a new common law upon two subjects has, within a few years, been developed—that is the Western American law of mines and water rights. This is not the place to discuss or even define the radical departures from the ancient law of real estate which have been taken in the matter of mining and the use of water in the Western States. They are departures required by geological and climatic facts, and by the all-powerful necessities of a people—a people who, under their wagon bows, along with their rifles and picks and shovels, brought their fathers' common law, the everlasting principles of which they adapted to a new

environment—principles which Dr. Dwight made household words to those who sat under his instruction. There is one of his students, of the class of 1878, to whom, in the endeavor to solve the ever-recurring legal problems, often comes a thought, with the accompaniment of "as Dwight used to say."

Another of my happiest recollections of that great teacher is his high moral view of the profession. Banter upon lawyers' lack of integrity is common upon the lips of laymen. It is a stock joke of the stage. It is good-naturedly tolerated in the profession. With Dr. Dwight it was wholly absent. I do not remember his ever indulging in humor, the subject of which was the sometimes alleged moral weakness of the members of the profession. He taught us not only law, but law morals. He impressed us with a belief that the law was the most honorable of all callings in life, a belief which the vicissitudes of experience have not shaken from the soil in which he planted it.

There is one other memory of Dr. Dwight's history in the law school which is near to the hearts of many of his students, and of which I, in common with others, can speak with grateful remembrance. Many of us relied upon tutoring and coaching law-school students, conditioned in Latin, in order to supply certain sumptuary demands of nature and an artificial civilization. Dr. Dwight did more than give us letters of recommendation. He found us work, and took pleasure in doing it. Hundreds of his students owe to his interest and efforts the fact that they found the means by which they were enabled to prosecute their studies.

I can look back to many other instructors whom I admired and respected, but Dr. Dwight occupies the higher place of teacher and friend.

He has built himself a monument in the hearts of his pupils. Its foundation rises from every State in the Union. May it be many years before its cap-piece is placed, and the end shall crown the work.

HELENA, MONTANA, April 22, 1891.

Tribute of William P. Fowler.

President New York, Ontario, and Western Railroad.

It is said of Judge Joseph Story "that his familiar bearing toward 'the boys'—as he called the students,—his frankness, bubbling humor, merry and contagious laugh, and inexhaustible fund of incident and anecdote, with which he gave piquancy and zest to the driest themes, won for him the love of his pupils, whose professional careers, after they left the Harvard Law School, he watched with fatherly interest."

How truly these words apply to the work of Professor Dwight, those who have been "his boys" can bear witness.

The daily sessions at Columbia Law School have been for many years not only hours of profit but hours of pleasure. Under Professor Dwight, there were no dry themes, and, after the daily lecture, what a pleasure it always was to come in familiar contact with one who, beyond doubt or question, was the earnest and devoted friend of each and every man whose good fortune it was to attend those sessions. Nor did his fatherly interest end at the class-room door. Each young man, in starting out, with the Law School behind him, the world before him, and his diploma in his pocket, felt that he was still one of Professor Dwight's "boys," and that his record had a place somewhere "in the heart of a friend."

A brilliant chapter in the history of Columbia Law School is about to close. The man who made it successful and renowned is to transfer its cares and responsibilities—which, to him, have been a sacred trust—to other able, but younger, men.

May we not, with propriety, at this time, quote Judge Story's own words, and confess that "we dwell with pleasure upon the entirety of a life adorned by consistent principles and filled up in the discharge of virtuous duty, where there is nothing to regret and nothing to conceal; no friendships broken; no confidence betrayed; no timid surrenders to popular clamor; no eager reaches for popular favor. May the period be yet far distant when praise shall speak out, with that fulness of utterance which belongs to the sanctity of the grave."

Professor Dwight will carry with him, in retiring, the esteem and affection of hundreds of men, each of whom is a better, wiser man for having been one of "his boys."

New York, April 8, 1891.

Tribute of William B. Hornblower.

I cannot forego the pleasure of contributing my share towards a testimonial to Professor Dwight, upon his retirement from active service in connection with Columbia Law School.

Whatever may be said as to the comparative merits of various systems of instruction as pursued in the different law schools of the country, and whatever theoretical advantages one system may have over another, I think it will be generally conceded that Professor Dwight has achieved a pre-eminence among the legal instructors of his time in attaining the practical result of imparting to his students a clear, coherent, and logical view of the law of the land as the student is called upon to deal with it in the practical affairs of life. No man with average ability can have graduated from Columbia Law School under Professor Dwight's tuition without being a reasonably well-equipped lawyer for the work that he has before him. The luminous exposition of legal principles, the constant and patient reiteration of those principles, the copious fund of illustration showing the application of the principles to legal controversies, which have characterized Professor Dwight's instruction, have necessarily furnished to the student who has carefully followed the Professor's course with a fund of information which cannot fail to have made him a ready and accurate lawyer at the very outset of his career. If himself endowed with a love of learning for its own sake, and a fondness for research, he has received a stimulus which will enable him during his professional life to add to his fund of information by historical study of the sources of the law; he has a nucleus of legal principles, around which he can gather and assort in orderly arrangement all the results of his individual investigation. If, on the other hand, as happens with most lawyers, he is thrown at once into the practical discussion and conduct of legal controversies growing out of the daily affairs of life, he is able to bring to bear upon those controversies the principles and rules which during his Law School course have been so thoroughly and constantly enforced upon his mind. I do not mean to be understood as intimating that Professor Dwight has ignored the historical study of the law. On the contrary, so far as can be done in the time allotted, I believe he has

given a sufficient *résumé* of the history of legal principles to throw light upon their real meaning as finally evolved and developed; but the emphasis has been placed by him in his teaching rather upon the results than upon the process by which the result is reached. Bracton, and Shepherd's Touchstone, and Coke upon Littleton, and the Year Books have been by no means overlooked by Professor Dwight in his instruction, but he has recognized the fact that the average student has neither the time nor the disposition for curious historical research, and if he be above the average, and has the time or the disposition, he will for himself pursue the lines of investigation to which his tastes direct him. Professor Dwight has, if I mistake not, proceeded rather upon the idea that it is more important for the legal practitioner, as for the medical practitioner, to know how to deal with actual cases and to apply the settled rules of his science, than to know what were the rules a hundred or two hundred or five hundred years ago. I do not mean by this to be understood as belittling historical research, or what may be called the more theoretical mode of studying the science of jurisprudence. Each system has its advantages, but I am inclined to think that for the average man Professor Dwight's system is the better. At any rate, in my own case, I cheerfully bear testimony to the fact that I received under Professor Dwight's instruction such a thorough and comprehensive and lucid exposition of the principles which I have since been called upon to practically apply, that I would not exchange it for any other instruction which I might have received under some other theory or plan.

Professor Dwight's personal qualities have aided him much in dealing with the minds of the young men brought before him. His imperturbable good-nature, his gentleness and kindness of manner, his indulgence for the errors and mistakes and even the heedlessness and indifference of his students, and his patient persistence in re-explaining and re-enforcing what many another man would think had already been sufficiently explained and enforced, have stimulated many a mind which otherwise would have given up in despair. No student, I venture to say, ever felt rebuffed or snubbed by Professor Dwight, so long as he was seeking for light, however irritating and exasperating might have been his apparent slowness of apprehension or forgetfulness of principles frequently brought to his attention.

It is a matter of great regret to all the graduates of Columbia Law School that Professor Dwight is about to cease from active work in that institution. We trust that his successors will be worthy of him in his qualities of mind and heart.

New York, April 25, 1891.

Tribute of Hon. Perry Belmont.

Ex-Minister to Spain.
Chairman of Committee of House of Representatives on Foreign Relations.

It was Professor Dwight's attractive personality that drew me—although a graduate of Harvard—to the Columbia Law School. It was he who taught me, as he did the graduates of other universities who have come to his classes, to feel a deep and lasting interest in the welfare and success of Columbia—while, of course, the more distant *alma mater* always claims our affectionate loyalty. Professor Dwight for a long time WAS the Columbia Law School. It hardly existed when he became connected with the College in 1858—a third of a century ago. Now it numbers over six hundred members, and is, with one exception, the largest institution of its kind in the country. The State University of Michigan is said to have more law students, but the conditions there are very different. The State bears a large proportion of the cost of instruction, and the admission fees are merely nominal; but, in the case of the Columbia Law School, many of the graduates have had to observe the strictest rules of self-denial, industry, and thrift to avail themselves of its benefits.

To his most able and interesting method of instruction he added the happy gift of so identifying himself with the students who came under his charge, and thus assured them that his personal interest in their careers would extend beyond the Law School itself. They saw the kindly concern he took in the progress of those who had preceded them, and they instinctively felt that the same generous solicitude would follow them also in after life. There could be no stronger incentive to earnest effort, and not a small part of the success which has attended Professor Dwight's labors in the College has been due to this sentiment. This is only one of the many reasons which caused the announcement of his retirement from active connection with Columbia College to be received with such deep regret by every student who has had the pleasure and the profit of his instruction; and it is a pleasing duty to give expression to so sincere a feeling, however inadequate these few words may be.

Tribute of Dwight Arven Jones.

The personality of a teacher is a powerful factor quietly at work to aid or hinder his teaching. In no other profession can an inspiring man accomplish better results. His enthusiasm awakens the dormant powers of the pupil, arouses his ambition, and spurs him on to personal achievement. And as each year brings under his influence many ripening minds, he is ever securing new and rich opportunities. Perhaps no better example of the far-reaching effects that may come from this personal power can be found than is illustrated by the affectionate regard with which the law graduates of Columbia College remember Professor Theodore W. Dwight. In him pre-eminently, there was the power of first gaining the interest and then absorbing the attention of the pupil. And thus it was, he speedily acquired a magnetic influence over all and obtained his great popularity. His stature, his scholarly appearance, his years, his courtly and frank carriage, made him an object of admiration to his students, and they could not but appreciate his profound ability, his keen wit, his unusual patience, and his unerring fairness. But, beyond these, it was his cheerful and earnest interest in the affairs of the lecture room,—in fact, his genuine enthusiasm in his work,—that controlled their wills and that gave him his great force with them. This enthusiastic interest in his calling, so freely exhibited by Professor Dwight, was the more admirable because it is nowadays seldom found in men of his parts and in his profession. Even instructors of wide reputation are too apt to leave upon their students an impression of the utter weariness of learning; and lawyers of mature age too frequently are given over to a critical condition of mind that precludes all enthusiastic display. But in Professor Dwight's case, the renowned instructor always retained his original fire, and the able lawyer never became too acute or profound to show his ardent interest in the affairs of the moment. As a result of this, while students were with him they were eager to hear him elucidate legal questions; and now several thousand lawyers look back upon him as the most remarkable instructor they have ever known, and carry with them a remembrance of him which is a constant incentive to better work.

But Professor Dwight has not held the regard of his students only by his enthusiastic interest in his work. The clearness and brilliancy of his mind opened to them the justice, the accuracy, and the pliability of legal

principles. He pictured the law as a just and equitable science, and based its teachings upon principles of right and justice. He brought out with wonderful acumen the nicety of distinction that abounds in it, and in this displayed striking power, for these distinctions constitute to a great degree the fascination of the study of law, as they require the closest reasoning and the keenest attention on the part of the student, and always offer an opportunity for individual thought. To Professor Dwight this art of just discrimination seemed natural and simple; and he was ever delighted to trace the logical development of some nice distinction from the well-known principle underlying it. He thus impressed one with the reasonableness of the law, deprived it of its mysteries and technical absurdities and brought all its doctrines to the test of right. Abstruse questions of law in his hands resolved themselves into clear propositions of fairness, and passages in text-books that seemed to have been written for the purpose of terrorizing students, became strangely simple when illustrated by him. This power of a master mind could not but impress his pupils. They looked up to him then as they look back upon him now, as a model scholar and teacher, one who was both learned and lucid, both profound and simple.

While the class of 1877—the largest ever graduated—was under his instruction, the amount of college work done by Professor Dwight was astounding, especially when other work done by him is considered. At that time, each division of each class thought itself ill used if he did not conduct every recitation. It would be easy, if space allowed, to give the daily duties that he undertook; but as the memories of all those who attended the Law School at this time will recall his constant presence, there is no need to do this. His unremitting attendance in the lecture room must have put a most severe test upon his patience and energy; but it was just at this time that he displayed fully his wonderful strength. All who then attended his recitations and lectures will remember the crowds that filled every available spot in the old lecture room, the students even sitting about on the edge of the Professor's platform. And this was the daily experience. The instance simply illustrates the desire that then existed to hear him expound the lesson of the day—a desire which has continued undiminished to the present time. And now, as Professor Dwight retires from active work in the Law School he has made famous, I am sure it is the hope of a host of his old pupils, that he may realize how widely he has impressed his powerful personal influence upon them, how greatly he has elevated the study of the law both for them and for all scholars, and how successfully he has set before them a living example of a calm, a wise, and a just man.

NEW YORK, April 24, 1891.

Tribute of Ethelbert D. Warfield.

President-Elect of Lafayette College.

I suppose that it is the common sentiment of my contemporaries in the Law School that Professor Dwight was the law school. Certainly it was far truer of him than Louis le Grand's favorite saying, "L'état c'est moi," was true of him. His personality pervaded it, his ideas dominated it, his will guided it; above all, love for him controlled it. Professor Chase, whom we admired and respected, was so completely a result of Professor Dwight's methods that we scarcely thought to distinguish him and his teaching from the elder and, for the time, dominant influence.

I came to Columbia, a Princeton graduate, from a period of special study in the University of Oxford, and in Germany, where I had laid a foundation in Constitutional History and Roman Law. My mind had been thoroughly liberalized and I was dead in earnest. It was, therefore, I think, a fair tribute to Professor Dwight as a teacher that I was entirely captivated, and I say, without hesitation or reserve, that he was, *me judice*, the best instructor I ever knew. As a teacher he compelled the students to work, he imparted information with ease and accuracy, and he stirred up those of scholarly instincts to independent investigation. In all his dealings with the students he had the happiest way of removing misconceptions, and opening up by a fine, incisive, critical method a way through the most tangled maze of conflicting decisions. In this there was none of that pyrotechnic display so common in brilliant men who are inferior teachers. It was simple in method, outspoken in manner, and bred a confidence in the students which has seemed to me to be the most marked characteristic of Columbia men at the bar. In a word, Professor Dwight made us all understand that the English Law was a SYSTEM, and that induction was not the sole logical method to be employed in its study or practice.

The school was meant to make lawyers, and it made them well. Professor Dwight taught practical law with a practical end to practical young men. The end was ever in view, and the means were perfectly adapted to it. But in those who were fitted for more philosophical studies in connection with the law he awoke a love of scholarly treatment

and pursuit which was a true example of the power of "influence" in teaching. I tried the School of Political Science, but had done the work of the courses offered there elsewhere, and pursued an independent course of research, in which the Warden was ever interested and ready to advise. In every relation, in public and private, there was the same unvarying genial, kindly, friendly way, often warming into humor, sometimes chilling into rebuke; but if there was anything in his class-room manner open to criticism, it was that he was too indulgent to that class of men who have neither self-respect enough to study themselves, nor to abstain from being a check and a nuisance to those who do study. These men often imposed on his good nature, and if any proof of its genuineness was required, they gave him "the concrete case on which to raise the issue."

I went to Columbia because I believed in the theory of the school, so my critical judgment has not been altered, though possibly strengthened, through admiration of the man who may be said to embody that theory. It is a singularly complete gratification to recall my law school days, since in theory and in personnel I was so entirely led by the right path to the desired goal. In the few years I passed at the bar, and have since passed as an instructor in Jurisprudence and the outlines of English and Roman Law, I have had nothing to regret in my training, and I shall hope that my *alma mater* shall at last find a man imbued with the ideas and methods so long so successful in Columbia. For our beloved and honored friend and preceptor I trust there may be a long and honorable repose in the midst of those for whom he has so faithfully labored.

MIAMI UNIVERSITY, April 17, 1891.

Letters of Regret.

From Judge Henry Bischoff, Jr.

Of the Court of Common Pleas of the City of New York.

DEAR SIR:—Answering yours of 2d inst., which reached me day before yesterday, I beg to say that nothing would afford me more pleasure than to add my tribute of esteem and affection for Professor Dwight in the shape of an article for the "Dwight Tribute." But the time allotted for the article is so short that it is doubtful whether I will be able to comply with your request. I shall endeavor to do so, but write this so that you may select another to write for the Class of 1871 and thus avoid a possible disappointment.

Respectfully yours,

HENRY BISCHOFF, JR.

From Judge Le Baron B. Colt.

Circuit Judge of the United States for the First Judicial District.

MY DEAR SIR:—I very much regret that the condition of my health will not permit me to comply with the request contained in your letter. Did circumstances permit, it would give me great pleasure to bear testimony to the high character, ability, and worth of my dear friend and teacher, Professor Dwight, for whom I have always had the most affectionate regard.

Sincerely yours,

LE BARON B. COLT.

From Judge Morgan J. O'Brien.

Of the Supreme Court of the State of New York.

DEAR SIR:—I regret very much that I shall not be able to comply with your request to add my mite of praise to my old and esteemed law professor.

I have a feeling for Professor Dwight which is warm, deep, and personal. Since leaving the College I have met him but once or twice, but the kindly face, the genial manner, the earnest and sincere work performed by him have left an impression which can never be effaced.

I regret, therefore, that your letter reaches me at a time when it seems nearly, if not quite, impossible for me to comply with the request.

If you do not hear from me, therefore, you will understand that it is due to no want of sympathy in a movement intended to honor a man whom all who know him respect and revere.

With respect I am,

Yours truly,

MORGAN J. O'BRIEN.

From W. M. Ivins.

DEAR SIR:—I was ill and absent from my office when yours of April 2d came, and now for the first time find opportunity to answer. I very much regret that I shall be unable to comply with your request. Nothing would give me greater pleasure than to write an article on Professor Dwight's influence upon legal training in this country. Expressing my regret and thanking you heartily for the opportunity which you have offered, I am

Yours truly,

W. M. IVINS.

Letters were also addressed, among others, to

Hon. W. H. H. Miller, Attorney-General United States, Judge Elliot Sanford, H. Walter Webb, Third Vice-President New York Central Railroad; and Aldace F. Walker, Chairman Western Traffic Association, all of whom had been students under Professor Dwight's instruction, who from want of time were unable to respond in time for the publication of their responses in the Dwight Tribute.

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